

REMARKS

Claims 1-23 are pending in the present application.

Claims 1-23 are rejected.

Claims 1, 3, 10, 12, 19, and 21 were amended.

Reconsideration of the claims is respectfully requested.

II. CLAIM REJECTION UNDER 35 U.S.C. § 103

Claims 1, 3-5, 7, 8, 10, 12-14, 16, 17, 19, 21, and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,654,343 to *Brandis, et al.* (hereinafter “Brandis”) in view of U.S. Patent No. 6,563,837 to *Krishna, et al.* (hereinafter “Krishna”). Claims 2, 11, and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Brandis reference and Krishna reference, further in view of U.S. Patent Publication No. 2004/0179542 to *Murakami, et al.* (hereinafter “Murakami”). Claims 6, 15, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Brandis reference and Krishna reference, further in view of U.S. Patent No. 6,289,021 to *Hesse* (hereinafter “Hesse”). Claims 9 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Brandis reference and Krishna reference, further in view of U.S. Patent Publication No. 2002/0135843 to *Gruia*. (hereinafter “Gruia”). The Applicants respectfully traverse the rejections.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142, p. 2100-127 (8th ed. rev. 7 July

2008). Absent such a *prima facie* case, the applicant is under no obligation to produce evidence of nonobviousness. *Id.*

To establish a *prima facie* case of obviousness, three basic criteria must be met: First, there must be some reason – such as a suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art – to modify the reference or to combine reference teachings. MPEP § 2142, pp. 2100-127 to 2100-128 (8th ed. rev. 7 July 2008); MPEP § 2143, pp. 2100-128 to 2100-139; MPEP § 2143.01, pp. 2100-139 to 2100-141. Second, there must be a reasonable expectation of success. MPEP § 2143.02, pp. 2100-141 to 2100-142 (8th ed. rev. 7 July 2008). Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. MPEP § 2143.02, pp. 2100-141 to 2100-142 (8th ed. rev. 7 July 2008).

Independent Claim 1 has been amended to recite that a “switch fabric uses a credit-based system to cause a first one of said plurality of routing nodes to slow an input rate of data packets” where a “first queue loses credit when a size of the first queue exceeds an upper threshold and the first queue gains credit when the size of the first queue falls below a lower threshold.” This feature is not taught or suggested by Brandis or Krishna, separately or in combination. Brandis describes an ingress scheduler that slows a pace of sending cells based on a flow control message. (Brandis, column 5, lines 65-67). However, Brandis does not teach or suggest anything about a credit-based system where a queue loses credit when a size of the queue exceeds an upper threshold and the queue gains credit when the size of the queue falls below a lower threshold. Krishna does not cure these

deficiencies of Brandis.

Therefore, Claim 1 is patentable over Brandis, Krishna, and any combination of the two. Independent Claims 10 and 19 recite features analogous to those of Claim 1 discussed above. Accordingly, Claims 10 and 19 are also patentable over Brandis, Krishna, and any combination of the two. The remaining claims depend from the independent claims and are therefore patentable at a minimum due to their dependence from allowable base claims.

Accordingly, the Applicants respectfully request withdrawal of the § 103 rejection.

CONCLUSION

As a result of the foregoing, the Applicants assert that the remaining claims in the Application are in condition for allowance, and respectfully request that this Application be passed to issue.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@munckcarter.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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